

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Trovon Keith,)	
)	No. 1:13-cv-2721-RMG
Plaintiff,)	
)	
vs.)	
)	
Nancy C. Merchant, Tamara Conwell,)	
Maria Leggins, Amy Enloe, Captain)	
Miller, William R. Byars, Jr., Dayne)	
Haile, and Captain Rhonda Abston,)	ORDER
)	
Defendants.)	
)	
)	

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 106), recommending that (1) Plaintiff's motion for summary judgment be denied; (2) Defendant's motion for summary judgment be granted; and (3) Plaintiff's motion to voluntarily dismiss Defendant Conwell be granted. Plaintiff has filed objections to the R & R. (Dkt. No. 122).

Legal Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a *de novo* determination of those portions of the R & R or specified proposed findings or recommendations to which objection is made. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C.

§ 636(b)(1)); *accord* Fed. R. Civ. P. 72(b).

Discussion

Plaintiff asserts two basic issues in his complaint. First, he asserts that the SCDC correspondence policy, which limits SMU inmates to two envelopes of general correspondence per month, violates his rights under the First Amendment of the United States Constitution.¹ Plaintiff also objects to being denied materials printed on the internet and crossword puzzles as well as responses to certain Freedom of Information Act requests. Defendants assert that the SCDC policy is related to legitimate and significant penological interests, including the objective of creating incentives for troublesome inmates to conform their disruptive behavior. Second, Plaintiff asserts a claim of deliberate indifference to a serious medical condition because of the alleged failure of Defendants to provide treatment for a skin condition and a better mattress to alleviate Plaintiff's back pain. Defendants contest these allegations and assert that Plaintiff has not asserted any serious medical need that is entitled to constitutional protection.

The Magistrate Judge issued the R & R on October 20, 2014, recommending the granting of Defendants' motion for summary judgment, denying of Plaintiff's motion for summary judgment and granting of Plaintiff's motion to dismiss Defendant Conwell. Plaintiff filed objections to the R & R which essentially reargued the merits of the issues already presented to and rejected by the Magistrate Judge. The Court finds that the Magistrate Judge has ably and thoroughly addressed the legal claims asserted by Plaintiff and has correctly concluded that he has asserted no valid claim under either the First or Eighth Amendments or on any other basis and that Defendants are entitled to summary judgment as a matter of law. The Magistrate Judge

¹ Legal correspondence is excluded from the policy.

has also correctly concluded that Plaintiff's motion for summary judgment is without merit. No party has objected to Plaintiff's motion to voluntarily dismiss Defendant Conwell.

Therefore, the Court adopts the R & R as the order of the Court. Defendants' motion for summary judgment (Dkt. No. 94) is **GRANTED**, Plaintiff's motion for summary judgment (Dkt. No. 73) is **DENIED**, and Plaintiff's motion to dismiss Defendant Conwell (Dkt. No. 104) is **GRANTED**. Based on the foregoing, this action is dismissed with prejudice.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

February 6, 2015
Charleston, South Carolina